

*LIFESTYLE COMMUNITIES*

*vs.*

*CITY OF WORTHINGTON*

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Deposition of

**Peter Bucher**

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October 10, 2023

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PRI COURT  
REPORTING

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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4 LIFESTYLE COMMUNITIES, )  
5 LTD., ET AL., )  
6 Plaintiffs, )  
7 vs. ) Case No.  
8 CITY OF WORTHINGTON, ) 2:22-cv-1775  
9 OHIO, )  
9 Defendant. )

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## DEPOSITION

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Taken at Worthington City Hall  
6550 North High Street  
Worthington, Ohio 43085

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on October 10, 2023, at 9:26 a.m.

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Reported by: Rhonda Lawrence

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1 STIPULATIONS

2 It is stipulated by and among counsel  
3 for the respective parties that the deposition  
4 of PETER BUCHER, the witness herein, called by  
5 the Plaintiffs under the applicable Rules of  
6 Federal Civil Court Procedure, may be taken at  
7 this time by the stenographic court reporter and  
8 notary public pursuant to notice; that said  
9 deposition may be reduced to writing  
10 stenographically by the court reporter, whose  
11 notes thereafter may be transcribed outside the  
12 presence of the witness; and that the proof of  
13 the official character and qualification of the  
14 notary is waived.

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1 PETER BUCHER

2 being first duly sworn, as hereinafter  
3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 BY MS. TAFT:

6 Q. All right. Can you please state your  
7 name for the record.

8 A. Yep. Peter Bucher.

9 Q. Good morning, Mr. Bucher. My name is  
10 Emily Taft. I am counsel for Lifestyle  
11 Communities.

12 Have you been deposed before?

13 A. No.

14 Q. So I'm just going to work through some  
15 of the ground rules with you for the deposition.  
16 If you don't understand a question, let me know.  
17 I can repeat myself and rephrase. If you can't  
18 understand me, let me know. I'll have Chris  
19 interpret or something.

20 It's important that you and I don't talk  
21 over each other. So if you can let me ask my  
22 questions first, then you can complete your  
23 answer before I'll start the next one. Do you  
24 understand that.

1 A. Uh-huh.

2 Q. So you're giving a lot of head nodding.

3 The record can't pick that up. So if you could  
4 say yes or no, that would be great as well.

5 Does that work?

6 A. Yes.

7 Q. If you need to take a break at any time,  
8 let me know. I just ask that you let me finish  
9 the question that we're on and you answer it  
10 before we go on that break. Does that work?

11 A. Yes.

12 Q. So it's important that we get your full,  
13 complete and accurate answers. So are you on  
14 any medication or drugs that would impair your  
15 ability to give full and complete and honest  
16 answers?

17 A. No.

18 Q. Is there any reason you can't give full,  
19 complete and honest answers today?

20 A. No.

21 Q. So earlier you swore an oath to tell the  
22 truth in this deposition. Do you understand  
23 that that's the same oath you would take at  
24 trial in this case?

1 A. Yes.

2 Q. Is Paul here your lawyer? Is he  
3 representing you today?

4 A. Yes.

5 Q. What did you do to prepare for this  
6 deposition?

7 A. Had a meeting -- excuse me. Had a  
8 meeting with city attorneys about a week ago and  
9 discussed how this would go since I've never  
10 done it before. Yeah.

11 Q. Did you meet with anyone else?

12 A. No. Just city attorneys.

13 Q. Okay. And did you read any documents?

14 A. Read a few. Looked at some materials  
15 for meetings back in 2021, 2022, as well as  
16 previous versions of the application, materials  
17 in question, things like that.

18 Q. So when you say the stuff about the  
19 meetings, do you mean the minutes, or what were  
20 you referencing?

21 A. We looked at an overview of the agendas,  
22 the project proposals, ARB/MPC materials, things  
23 like that.

24 Q. Which meetings are you talking about?

1           A. December 2021, where the project was  
2   considered; January 2022, where changes to the  
3   comprehensive plan were approved.

4           Q. And so that's City Council meetings; is  
5   that right?

6           A. Correct.

7           Q. Did you review the complaint in this  
8   case or any documents surrounding this case?

9           A. Previously, leading up to this point,  
10   and we've also gotten summaries of it as well  
11   from our city attorneys.

12          Q. And did you review materials from any  
13   other meetings? You mentioned 2022.

14          A. Yeah. I believe the 2021 ARB/MPC  
15   meetings as well.

16          Q. Did you attend that meeting when it  
17   happened?

18          A. I believe I attended virtually.

19          Q. So I want to go briefly into your  
20   background. Did you graduate high school?

21          A. Yes.

22          Q. Did you go to college, obtain any  
23   college degrees?

24          A. Yes. Bachelor's of science, Ohio State

1 University.

2 Q. In what?

3 A. Environmental policy and decision  
4 making.

5 Q. And do you have any graduate degrees?

6 A. No.

7 Q. Any professional certifications?

8 A. No.

9 Q. Where are you currently employed?

10 A. Currently, I'm employed at the Ohio  
11 Environmental Council.

12 Q. And what's your title there?

13 A. Chief of staff.

14 Q. And what does that entail? What job  
15 responsibilities do you have?

16 A. I manage several folks. We primarily  
17 focus on our public policy advocacy, as well as  
18 some of our political work through our family of  
19 organizations.

20 Q. Do you work primarily at the state  
21 level, the federal level, local municipality  
22 level?

23 A. It's a mix of all of those.

24 Q. Including localities?

1 A. Some, yeah.

2 Q. And how long have you worked there?

3 A. Just over five years. It will be six in  
4 January.

5 Q. Do you do any sort of land use work in  
6 that role?

7 A. Not really.

8 Q. And where did you work prior to the ODC?

9 A. Immediately before, a company called  
10 Remington Road Group.

11 Q. And what did you do with them?

12 A. It was a mix of a lot of different  
13 things from lobbying to organizing trade  
14 associations to some campaign political work.

15 Q. Is that also environmentally focused, or  
16 what was the focus there?

17 A. There was a few. It was primarily not  
18 environmentally focused.

19 Q. And did you have any land use or zoning  
20 experience through that?

21 A. No.

22 Q. And what was your job prior to that?

23 A. Served at the Ohio House of  
24 Representatives as a legislative aide.

1 Q. And for a specific representative or --

2 A. Yes. Former Representative Michael  
3 Sheehy out of the Toledo area.

4 Q. And did you do any sort of land use or  
5 regulations like that?

6 A. No. Primarily administrative work.

7 Q. And was this environmentally focused as  
8 well, or general?

9 A. There were some issues that touched on  
10 the environment, but it was general.

11 Q. Okay. And prior -- when you were on  
12 OEC, did you do any work with Worthington?

13 A. I had those roles separated, given my  
14 day job and my evening job, so I engaged  
15 partners in my council capacity with some of the  
16 professionals we worked with, both at the OEC  
17 and other groups, but they were separated.

18 Q. Okay. Prior to serving on council, did  
19 you hold any other elected positions?

20 A. No.

21 Q. So when you ran for City Council, is  
22 that the first time you ran in an election?

23 A. I informally ran for state rep, but  
24 didn't get to the formal petition filing phase a

1 few years before, so going through the  
2 paperwork, yes, the first time I officially ran.

3 Q. And why did you run for election?

4 A. Wanted to give back to my community, and  
5 given my skill set around policy development  
6 felt that this was a really good chance for me  
7 to serve my community.

8 Q. What were the key issues you ran on?

9 A. It's a mix, but I would say  
10 environmental, of course, given my interest and  
11 background is one. Economic development is  
12 critical for a city like this, so that's  
13 something you have to talk about, as well as  
14 public safety, city services, things like that.

15 Q. When is your term up?

16 A. It's up at the end of this calendar  
17 year.

18 Q. Are you intending to run for reelection?

19 A. I am running right now.

20 Q. And what are your campaign tenets that  
21 you're running on this time?

22 MR. SCHUMACHER: Objection. Relevance.

23 You can answer.

24 A. It's several of the same things I

1 previously listed. You get a myriad of topics  
2 when you're running again, and so economic  
3 development, environmental stability, city  
4 services, things like that.

5 Q. And so I'm sure you're aware the case is  
6 about the UMCH property. It's now Lifestyle's  
7 property. I'm going to call it Lifestyle's  
8 property, UMCH property, the property. Do you  
9 understand what I'm referencing?

10 A. Yes.

11 Q. Is that one of your tenets that you're  
12 running on?

13 A. Not specifically, no. There's a lot we  
14 aren't able to say, given what we're working  
15 through right now, and so I don't bring it up  
16 specifically.

17 Q. Are you involved in any like grassroot  
18 or interest organizations?

19 A. No. I'm on some email lists, so I see  
20 communications, but no formal involvement. Just  
21 signed up as a member of the public years ago,  
22 and I'm still on several lists for different  
23 groups here.

24 Q. What groups does that include?

1           A. Building Worthington's Future,  
2           Worthington Partnership, Worthington Chamber of  
3           Commerce, Project Community Parks Worthington,  
4           Worthington Alliance for Responsible  
5           Development. Probably some others, but pretty  
6           much every group that's got a list, I like to  
7           see all communications and see what people are  
8           saying on a number of issues.

9           Q. So let's start with WARD, which I  
10          believe was the last one you mentioned. Have  
11          you participated at their meetings?

12          A. No. I've met with them throughout my  
13          term individually, as requested by them, but I  
14          don't attend their regular meetings. I don't  
15          even know if they have membership meetings.

16          Q. Okay. Have they endorsed you as a  
17          candidate for City Council?

18          A. They have not screened me nor endorsed  
19          me. An email went out that I believe says  
20          they're supporting certain candidates, but I was  
21          made aware after the decision went public, like  
22          everyone else.

23          Q. How about Keep Worthington Beautiful,  
24          have you gone to their meetings?

1           A. No. I believe that was an effort prior  
2        to my time even living back in the community, if  
3        I'm living back in the community.

4           Q. So living back in the community. When  
5        did you move to Worthington?

6           A. We moved here in 2017.

7           Q. Had you lived here before that time?

8           A. I've lived in the school district, not  
9        the city limits proper.

10          Q. And where did you grow up?

11          A. North Columbus, on the west side of the  
12        school district.

13          Q. So I want to turn to Project Community  
14        Park Worthington. What has your involvement  
15        with that organization been?

16          A. I know several of the folks that lead  
17        that organization. I'm on their email list, I  
18        believe, but really just monitor what they put  
19        out as one organized group of citizens.

20          Q. And who leads that organization?

21          A. I don't know the official title. I know  
22        some of the folks that my understanding is the  
23        lead. Scott Taylor and Roger Beck, and I know  
24        there's others. I just can't remember their

1 names.

2 Q. Did Project Community Park Worthington  
3 endorse you as a candidate for City Council?

4 A. As I said, they didn't screen or endorse  
5 anyone. The language I've seen that came out,  
6 without my knowledge, was they are supporting a  
7 few folks in this election this year, but not  
8 endorsing.

9 Q. So have you done any interviews with  
10 them?

11 A. No.

12 Q. I'm going to turn now to the exhibit  
13 that's been previously marked as Exhibit 1. Do  
14 you recognize Exhibit 1?

15 A. Yes. It looks like the 2014  
16 comprehensive plan guidelines for the UMCH site.

17 Q. And so this was adopted September 2nd,  
18 2024, correct?

19 A. Looks like 2014.

20 Q. 2014. Yeah. Sorry.

21 Now, this was the comprehensive plan  
22 section for the UMCH property when you joined  
23 council in 2020, correct?

24 A. Yes.

1           Q. So do you know why the comprehensive  
2       plan was revised in 2014 as it relates to the  
3       property?

4           MR. SCHUMACHER: I'm sorry, you said  
5       2014?

6           MS. TAFT: 2014.

7           A. This is before I was even back living in  
8       the community, so you'd have to ask other folks  
9       that were involved at the time; I was not.

10          Q. So you had no involvement in the process  
11       that went into creating this document?

12          A. Correct.

13          Q. The comprehensive plan, the 2014  
14       version, it would require the property to be  
15       rezoned, correct?

16          MR. SCHUMACHER: Objection, to the  
17       extent that calls for some legal conclusion.

18          A. If you're referring to a project coming  
19       forward that requires these sections to be  
20       rezoned, yes, in theory.

21          Q. The comprehensive plan discussed a  
22       planned unit development, isn't that right, for  
23       the property?

24          A. Generally speaking, or for the 2021

1 project application?

2 Q. For any sort of development of the  
3 property that would be compliant with this plan.

4 MR. SCHUMACHER: Objection. You're  
5 asking for his interpretation of this  
6 comprehensive plan?

7 MS. TAFT: I'm asking what he views the  
8 comprehensive plan as saying.

9 MR. SCHUMACHER: Objection, again, to  
10 the extent that calls for a legal conclusion.

11 A. These comprehensive plans are guidelines  
12 for project applications, and so that's what I  
13 would describe it as, as a guideline for  
14 somebody that potentially applied for a project  
15 within some of these guides.

16 Q. Could you turn to the third page,  
17 please.

18 A. This one?

19 Q. Yeah. So on the left-hand column, sort  
20 of in the middle, there's a sentence that  
21 starts, for this reason. Can you read that  
22 sentence?

23 A. For this reason, it is expected that any  
24 proposed development include rezoning of the

1 entire site to a planned unit development as an  
2 early step.

3 Q. Does that refresh your recollection of  
4 what the comp plan was?

5 MR. SCHUMACHER: Objection. The  
6 document speaks for itself. What are you asking  
7 the witness, if it's in the document? We'll  
8 stipulate it's in the document.

9 Q. You can answer my question.

10 A. Well, as he said, if it's in the  
11 document, we can agree it's in there, but beyond  
12 that, I would need a more specific question, I  
13 think.

14 MR. SCHUMACHER: Is there a question?

15 MS. TAFT: One second.

16 Q. So when the ARB/MPC would review a  
17 application that came in, they had to apply that  
18 comprehensive plan to the application; is that  
19 correct?

20 A. When an application comes in, these  
21 documents are used as guides and reference, in  
22 addition to what zoning might require as well  
23 when they make these decisions.

24 Q. For City Council, right? It's a

1 guideline for City Council, but for the ARB and  
2 MPC, they have to look at that; is that correct?

3 MR. SCHUMACHER: Objection, to the  
4 extent you're asking this witness for some legal  
5 conclusion.

6 Q. I'm asking for your understanding of the  
7 zoning process.

8 MR. SCHUMACHER: So you are asking for  
9 his legal conclusion?

10 MS. TAFT: I'm asking for his experience  
11 with the zoning process.

12 Please stop your speaking objections.

13 A. Both the ARB and MPC, as well as staff,  
14 as well as council, when vetting a project,  
15 would utilize this as well as zoning  
16 requirements as well as public comments when  
17 they make decisions on projects.

18 Q. So what experience do you have with  
19 rezoning applications?

20 MR. SCHUMACHER: Objection. Vague.

21 A. We've dealt with several since I've been  
22 on council.

23 Q. Is your only experience with rezoning  
24 applications with City Council, from your time

1 on City Council?

2 A. Yes.

3 Q. So you've been on City Council for  
4 roughly four years. How many rezoning  
5 applications have you held?

6 MR. SCHUMACHER: Objection. Compound  
7 question. Which question would you like him to  
8 answer?

9 MS. TAFT: There's only one question.

10 MR. SCHUMACHER: No, there's two  
11 questions you asked him. Can you read that  
12 back, please.

13 (Record read as requested.)

14 MR. SCHUMACHER: One.

15 MS. TAFT: That's not a question.

16 MR. SCHUMACHER: Yes, it is. What was  
17 the next question?

18 (Record read as requested.)

19 MR. SCHUMACHER: That's two.

20 MS. TAFT: All right. How about you  
21 stop your speaking objections.

22 MR. SCHUMACHER: No. I'm giving you an  
23 opportunity to cure an objection to form. You  
24 asked him two questions. You didn't pause

1 between the two questions. So if he answers the  
2 question yes, he's answering two questions.

3 MS. TAFT: I apologize. My first one  
4 was not a question.

5 MR. SCHUMACHER: Why don't you give  
6 proper form questions.

7 MS. TAFT: Please keep your objections  
8 to only form and stop doing speaking objections,  
9 Paul.

10 MR. SCHUMACHER: Well, if you read the  
11 district opinions, you'll see that objections to  
12 form give you an opportunity to cure bad  
13 questions, which I just did. And I will  
14 continue to do so.

15 MS. TAFT: Please stop your speaking  
16 objections. That is also in the rules if you  
17 listen to the district court opinions.

18 MR. SCHUMACHER: Okay.

19 BY MS. TAFT:

20 Q. All right. So you've been on City  
21 Council for --

22 MR. SCHUMACHER: Let's take it to the  
23 Judge right now.

24 Q. -- years, right?

1                   MR. SCHUMACHER: Let's take it to the  
2        Judge right now.

3                   MS. TAFT: Paul, please stop your  
4        speaking objections.

5                   MR. SCHUMACHER: I will continue to  
6        defend my client as appropriate. If you would  
7        like to call the Judge about this issue, you're  
8        welcome to.

9                   MR. INGRAM: Counsel, are you  
10       instructing this witness not to answer the  
11       question?

12                  MR. SCHUMACHER: No. I'm talking to the  
13       lawyer who's questioning my witness, not to you.

14                  MS. TAFT: I'm going to continue with my  
15       questioning.

16                  MR. SCHUMACHER: Please.

17       BY MS. TAFT:

18                  Q. Have you been on City Council for four  
19       years?

20                  A. Approximately, yes.

21                  Q. How many rezoning applications have you  
22       considered?

23                  A. I don't have the specific number handy,  
24       but more than one.

1           Q. How many development plan applications  
2 have you considered?

3           A. Again, I don't have the specific number  
4 in front of me, but several.

5           Q. But more than just the one for the UMCH  
6 property; is that correct?

7           A. Yes.

8           Q. So what force did the comprehensive plan  
9 have in your review of those rezoning  
10 applications?

11           MR. SCHUMACHER: At City Council now  
12 you're asking?

13           MS. TAFT: Yes. It's been with City  
14 Council this whole time.

15           A. Well, as one member of a seven-person  
16 body on council, we review everything from the  
17 comprehensive plan to the zoning laws to the  
18 merits of the project, the contents of the  
19 project, application, staff recommendations and  
20 public input. We review all those things  
21 equally.

22           Q. So during that process, is there  
23 generally open lines of communication between  
24 both city staff, City Council and the applicant?

1                   MR. SCHUMACHER: Objection. Are you  
2 still talking about the City Council  
3 deliberations?

4                   Q. Please answer the question. If you  
5 don't understand, I can rephrase.

6                   MR. SCHUMACHER: Objection. Form.

7                   A. Please rephrase.

8                   Q. Okay. So during a rezoning application  
9 review process, is there generally open lines of  
10 communication between city staff and the  
11 applicant?

12                  A. Generally, I'd say yes.

13                  Q. How about between City Council and the  
14 applicant?

15                  A. Generally, we work through staff when  
16 working with the applicant. I've never  
17 contacted an applicant personally.

18                  Q. Have you contacted staff to reach out to  
19 an applicant?

20                  A. Staff generally uses their discretion  
21 when they engage or discuss with the project  
22 applicant.

23                  Q. Do you ever give questions to staff to  
24 ask an applicant about a project?

1           A. No, I don't think so. We would  
2 potentially give them to the liaison of the ARB  
3 or MPC, which is a nonvoting councilmember, but  
4 that's the only extent of which we've passed  
5 questions through the system.

6           Q. So I'm going to turn to the OhioHealth  
7 proposal that was on the property. Do you  
8 remember that application?

9           A. I remember getting briefed by the  
10 potential applicant and other colleagues that  
11 were in the room, as well as staff.

12           Q. Do you remember the time frame of when  
13 that was?

14           A. I couldn't tell you the month.

15           Q. Was it around 2020, when you first got  
16 on council? Does that sound right?

17           A. That sounds right.

18           Q. So what was OhioHealth's proposal?

19           A. What I remember being presented on was  
20 to potentially apply to rezone and build on a  
21 corner of the property an emergency care  
22 facility, I think it was.

23           Q. Was it just a portion of the property,  
24 or was it seeking development of the property as

1 a whole?

2 A. what I remember being presented about  
3 was just a portion of the property.

4 Q. How did City Council feel about that?

5 A. I don't think we had any public stance  
6 on it. We were given briefings informally by  
7 the potential applicant and then nothing went  
8 further.

9 --0--

10 (Deposition Exhibit 39 marked.)

11 --0--

12 BY MS. TAFT:

13 Q. I'm going to hand you what's going to be  
14 marked Exhibit 39. Is Exhibit 39 an email that  
15 you sent to Lee Brown?

16 MR. SCHUMACHER: Give him a chance to  
17 read the document.

18 MS. TAFT: Sure.

19 A. Can you repeat the question?

20 Q. Is Exhibit 39 -- I don't remember my  
21 exact question, but what is Exhibit 39?

22 A. Looks like a series of emails from  
23 different folks to our staff and then a couple  
24 clarifying questions from myself to Mr. Lee

1 Brown and our staff.

2 Q. So do you know why OhioHealth did not  
3 proceed with developing a location on the  
4 property?

5 A. Not that I can remember.

6 Q. Do you know what made OhioHealth  
7 withdraw its application?

8 MR. SCHUMACHER: Objection. Same  
9 question.

10 A. No, I don't remember.

11 Q. The top email, did you speak with Matt  
12 Greeson about OhioHealth withdrawing its  
13 application?

14 A. Matt and I would regularly talk about a  
15 lot of things, but it's not impossible that I  
16 spoke with him, but I don't remember  
17 specifically having a conversation at this  
18 point.

19 Q. Would that have been a phone  
20 conversation or in-person?

21 A. I can't remember. We had a mix of ways  
22 we communicated.

23 Q. Would you record that conversation in  
24 any way, either with notes or --

1                   MR. SCHUMACHER: Objection. This is the  
2 question -- this is the discussion he doesn't  
3 remember?

4                   Q. You can answer.

5                   A. I don't know why I would have. I met  
6 with Matt one-on-one regularly about all topics.

7                   Q. Did the city want OhioHealth on the  
8 property?

9                   MR. SCHUMACHER: Objection.

10                  A. I don't think the city had a stance  
11 either way. We were simply reviewing early  
12 stages of an application and what was being  
13 presented to us.

14                  Q. So your email at the top of page 2 you  
15 ask whether there's any other word on what other  
16 locations in Worthington OhioHealth might be  
17 looking at. Did you get an answer to that  
18 question?

19                  A. I don't remember if I received an answer  
20 or not.

21                  Q. Do you know, did OhioHealth find another  
22 location in Worthington?

23                  MR. SCHUMACHER: Objection.

24                  A. Not that I'm aware of.

1 Q. So they're not in Worthington today?

2 MR. SCHUMACHER: Objection.

3 A. No, I don't believe so.

4 Q. You can put that aside.

5 Do you know when the city began amending  
6 or suspending the 2014 comprehensive plan as  
7 relates to the UMCH property?

8 A. I believe the meeting we reviewed that  
9 and took action was January 18, 2022.

10 Q. That's the first time the city  
11 considered it?

12 A. There may have been previous  
13 conversations in meetings, public meetings, but  
14 I wouldn't say it was seriously considered until  
15 January 2022, that I can remember.

16 --0--

17 (Deposition Exhibit 40 marked.)

18 --0--

19 BY MS. TAFT:

20 Q. I'm going to hand you what's going to be  
21 marked Exhibit 40. Have you had a chance to  
22 review it?

23 A. Yes.

24 Q. Do you recognize this document?

1           A. Vaguely. Something all councilmembers  
2    received, responses to one member's questions to  
3    the city manager.

4           Q. So why was it created?

5           A. You'd have to ask Councilman Robinson at  
6    the time, but it looks like he had questions  
7    about the proposal and the site.

8           Q. Did you have --

9           A. I was just going to say the city manager  
10    responded.

11          Q. Did you finish?

12          A. Yes. Thank you.

13          Q. Did you believe the comprehensive plan  
14    had force at this time?

15           MR. SCHUMACHER: I'm sorry. I couldn't  
16    hear the question.

17          Q. Did you believe that the comprehensive  
18    plan had force at this time?

19           MR. SCHUMACHER: Objection, to the  
20    extent that calls for some legal conclusion.

21          A. It's remained the guiding document for  
22    potential proposals on the site.

23          Q. Did this memo spark conversation among  
24    City Council members about amending the

1 comprehensive plan?

2 A. Not that I remember. I think it came up  
3 maybe from Councilman Robinson at the time later  
4 that year, but it essentially just lived in this  
5 memo digitally.

6 -=0=-

7 (Deposition Exhibit 41 marked.)

8 -=0=-

9 BY MS. TAFT:

10 Q. I'm going to hand you what's going to be  
11 marked Exhibit 41. Do you recognize this  
12 exhibit?

13 A. Yes.

14 Q. Were you at this meeting?

15 A. Yes.

16 Q. Are these the minutes from the September  
17 21, 2021, council meeting?

18 A. Yes.

19 Q. Was the 2014 comprehensive plan, as  
20 relates to UMCH property, discussed at this  
21 meeting?

22 MR. SCHUMACHER: Do you need to read it?

23 THE WITNESS: Yes, I need to read it.

24 A. It looks like it was discussed.

1 Q. And what was said?

2 A. Well, you can refer to the paragraph in  
3 the reports of councilmembers, but it appears  
4 Mr. Robinson brought it up.

5 Q. Are the minutes accurate of what  
6 happened at that meeting?

7 MR. SCHUMACHER: Objection.

8 A. As best as I can remember, yes.

9 Q. You had a chance to review those  
10 minutes, is that correct, after the meeting  
11 occurred?

12 A. We approve all the meeting minutes  
13 sometime after the meetings occur.

14 Q. And these were approved?

15 A. It appears so.

16 Q. Did City Council suspend or amend the  
17 2014 comprehensive plan at this meeting?

18 A. I don't believe so.

19 Q. Why not?

20 MR. SCHUMACHER: Objection.

21 A. You'd have to ask all my colleagues, but  
22 I believe there was a proposal.

23 Q. What were your thoughts on  
24 Mr. Robinson's proposal for suspending the 2014

1 comprehensive plan?

2 A. I don't say I had fully formed thoughts.  
3 I simply listened to a report of a colleague at  
4 the end of our meeting.

5 Q. What were your thoughts on Mr. Meyers'  
6 discussion about transparency at this meeting?

7 A. I need to read that section.

8 MR. SCHUMACHER: Is there a particular  
9 place? we didn't memorize this before the  
10 deposition.

11 A. I may have found it. I think it's the  
12 second-to-last page.

13 Q. Yeah.

14 MR. SCHUMACHER: What's the question  
15 again?

16 Q. What were your thoughts on Mr. Meyers'  
17 comments about transparency at this meeting?

18 A. I don't know if I had thoughts. Again,  
19 I was listening to reports and comments of my  
20 colleagues and simply listening.

21 Q. Can you go to the third-to-last page.  
22 Your comments are in the middle right after  
23 Ms. Dorothy. It says you expressed a little  
24 concern about the time of us being at the last

1 meeting of the month. what did you mean by  
2 that?

3 MR. SCHUMACHER: I'm sorry. I can't  
4 find it.

5 A. I think, if I remember correctly, it was  
6 just noting it was going to be our last meeting  
7 before we reconvened, and so there's time in  
8 between those meetings. That's all.

9 Q. You go on to say, but there definitely  
10 needs to be community discussion. what  
11 community discussion were you wanting?

12 MR. SCHUMACHER: Objection. Relevance.

13 A. About what folks wanted to see on that  
14 site, if a potential project came forward, is  
15 what I remember.

16 Q. Were you imagining a similar process to  
17 what the city went through for the 2014  
18 comprehensive plan amendment?

19 A. I don't think I had anything specific in  
20 mind at that point. I was simply reacting to  
21 some of the discussion.

22 Q. But you wanted public input on whatever  
23 was going to replace the 2014 comprehensive  
24 plan?

1           A. The opportunity to discuss it with the  
2        community, yeah.

3           Q. If you can turn to the next page. It's  
4        the fourth-to-last sentence at the end of that  
5        section. It says, Mr. Smith asked if staff  
6        could inform any potential applicant of that  
7        possibility. Do you see that sentence?

8           A. Yes.

9           Q. Do you know what Mr. Smith was  
10      requesting the city to do there?

11        A. I'll need to read this page.

12        Q. Go ahead.

13        A. It appears, Mr. Smith's asking  
14      Mr. Greeson to convey any potential applicant of  
15      the discussion we had this evening, is how I  
16      read it.

17        Q. Do you know why he asked Mr. Greeson to  
18      do so?

19        A. You'd have to ask him.

20        Q. What was City Council's reaction to  
21      Mr. Smith's request?

22        A. I don't recall.

23        Q. Was Lifestyle or UMCH informed after  
24      this meeting of what happened?

1           A. I don't know.

2           Q. Following this meeting, did City Council  
3 have further discussions about suspending or  
4 amending the comprehensive plan?

5           A. Yes, at future meetings.

6           Q. How about between the time of this  
7 meeting and October 5th of 2020?

8           A. Not that I can recall.

9           Q. Did you have conversations with anyone  
10 about amending or suspending the 2014  
11 comprehensive plan during that time frame?

12           A. Not that I can recall.

13           Q. How about between --

14           MR. SCHUMACHER: Wait a minute. Did he  
15 answer the last question?

16           MS. TAFT: Yes.

17 BY MS. TAFT:

18           Q. How about, were there -- did you have  
19 discussions with anyone about amending or  
20 suspending the comprehensive plan between  
21 October 5th, 2020, and January 18, 2022?

22           A. I believe a few days before the meeting  
23 on January 18th, 2022, there was a little  
24 discussion.

1 Q. Before that, you had no discussions?

2 A. Not anything significant that I can  
3 remember.

4 Q. How about insignificant?

5 MR. SCHUMACHER: Objection.

6 A. There may have been some dialogue  
7 following our meeting with some of my colleagues  
8 about what was discussed, but nothing more than  
9 that.

10 Q. Which colleagues?

11 A. I talk to all my colleagues regularly.  
12 I can't recall exactly who my phone transcripts  
13 might have been at the time.

14 Q. But you did have discussions with  
15 someone?

16 A. I discussed a lot of topics with all my  
17 colleagues, whenever there's availability or  
18 need.

19 Q. So you're saying a dialogue happened  
20 after this September 21, 2021, meeting with your  
21 colleagues?

22 A. No. I would say sometimes we talk about  
23 reflections of the meetings, but it wasn't a  
24 dialogue or further planning.

1           Q. And what were your reflections of the  
2 meeting?

3           A. I don't recall. Just how did the  
4 meeting go, what did people say, those type of  
5 things.

6           Q. How did the meeting go?

7           A. You can review the minutes, if you'd  
8 like.

9           Q. How do you think the meeting went?

10           MR. SCHUMACHER: Objection. Asked and  
11 answered.

12           A. I think it was a fairly normal meeting  
13 and we had dialogue during the council report  
14 section, as we do with most meetings.

15           Q. Was City Council also considering  
16 purchasing the property since you've been on  
17 council?

18           A. Not to my knowledge.

19           Q. I'm going to hand you what's been  
20 previously marked Exhibit 30.

21           A. Exhibit 30?

22           Q. Yes. Who is Dr. Marlowe?

23           MR. SCHUMACHER: I don't know if he's  
24 finished reading that.

1                   THE WITNESS: I need to finish reading.

2                   MR. SCHUMACHER: You're speedy.

3                   THE WITNESS: I'm a slow reader.

4                   MS. TAFT: I'm not going to tell you how  
5 to take your deposition. You can stop telling  
6 me how to take mine.

7                   MR. SCHUMACHER: Well, you're speaking  
8 so quickly and not giving the witness a chance  
9 to read the document. I'm just cautioning you.

10                  A. What was your question?

11                  BY MS. TAFT:

12                  Q. Who is Dr. Marlowe and Analytica?

13                  A. I can't give you a good explanation of  
14 that. This report was generated before I joined  
15 council.

16                  Q. Mr. Greeson shared it with council,  
17 though, while you were on council, correct?

18                  A. It appears so, yeah.

19                  Q. Do you know why the city engaged  
20 Analytica?

21                  A. Not that I remember.

22                  Q. Did you review these reports?

23                  MR. SCHUMACHER: The report attached to  
24 the email?

1 MS. TAFT: Yes, from Analytica. There  
2 are two.

3 A. Is the chapter 2 the second one, or is  
4 there another one in there?

5 Q. That's the first one.

6 MR. SCHUMACHER: What's the question, if  
7 he's reviewed that before, or do you want him to  
8 review it now?

9 Q. Have you reviewed it before?

10 A. It may have been distributed, but I  
11 can't recall this document much.

12 Q. If you can go to Exhibit 31. Do you  
13 recognize Exhibit 31?

14 A. Yes, I believe this has been sent to me,  
15 but I'm not very familiar with the document.

16 Q. You've seen it before, though?

17 A. Yes. It was sent to me via email.

18 Q. When?

19 A. I can't recall.

20 Q. Who sent it. Sorry?

21 A. Probably during my first term, I would  
22 guess, 2020, but -- is there another question?

23 Q. Who sent it to you?

24 A. I believe David Robinson forwarded it to

1 me as an FYI since it was out there.

2 Q. Just as an FYI. what does that mean?

3 A. For your information.

4 Q. What does that mean to you?

5 MR. SCHUMACHER: Objection. Asked and  
6 answered.

7 A. Relevant materials that existed about  
8 this site.

9 Q. Why was this relevant?

10 A. Because it specifically mentions the  
11 site.

12 Q. It also discusses the city acquiring the  
13 property; isn't that correct?

14 A. It appears so.

15 Q. So what did you do with this summary?

16 A. I likely reviewed it and left it sitting  
17 in my email.

18 Q. Did you share it with anyone?

19 A. I think only for the public records  
20 request about this litigation.

21 Q. Did you talk about it with Robinson?

22 A. Most likely, but I don't recall any  
23 specifics of any conversation.

24 Q. Did you talk with anyone else on City

1 Council about it?

2 A. Not that I remember.

3 Q. Did you talk with anyone at Worthington  
4 about it?

5 MR. SCHUMACHER: Objection. That means  
6 everyone in the city?

7 Q. City staff about it.

8 A. I don't remember specifically talking  
9 about this report with anyone, that I can  
10 remember.

11 --0--

12 (Deposition Exhibit 42 marked.)

13 --0--

14 BY MS. TAFT:

15 Q. I'm going to hand you what's going to be  
16 marked 42. Let me know when you've had a chance  
17 to review.

18 A. Okay.

19 Q. Is that the email that you were  
20 referring to of Robinson sending this summary?

21 A. Yes.

22 Q. Forwarded a couple of times for the  
23 public records request; is that correct?

24 A. Yes.

1           Q. why did Robinson call the document  
2        confidential?

3           A. You'd have to ask him that. I don't  
4        know.

5           Q. And what does Robinson mean by next  
6        time?

7           A. I would assume he meant next time we  
8        talk, but you'd have to ask him.

9           Q. Was there a previous time that you  
10       talked about the issue of acquiring -- the city  
11       acquiring the property?

12           MR. SCHUMACHER: Objection.

13           A. No, we didn't specifically talk about  
14       that, but he wanted to make sure I read this  
15       report, from my knowledge, since it existed out  
16       there, and it was generated before I joined  
17       council.

18           Q. So there was a prior time that you  
19       talked about the city acquiring the property; is  
20       that correct?

21           MR. SCHUMACHER: Objection. He didn't  
22       say that.

23           A. I don't specifically remember that other  
24       than Mr. Greeson's email from March of 2020, and

1 then this was sent to me. It wasn't a  
2 conversation about acquiring. It was generated  
3 reports.

4 Q. What did you do with that information  
5 from the Florey law firm?

6 A. As I mentioned, I probably reviewed it  
7 once and then left it sitting in my email box.

8 Q. You took no steps to further anything in  
9 that summary?

10 A. No. I simply read it.

11 Q. Okay. So turning to when Lifestyle  
12 submitted its application to the city for  
13 rezoning and a PUD --

14 MR. SCHUMACHER: I'm sorry. Your voice  
15 broke up.

16 Q. For rezoning and a PUD. When did the  
17 city receive Lifestyle's application?

18 A. I don't have the specific date in front  
19 of me. I'm sure it's somewhere documented.

20 Q. Did you receive it immediately when it  
21 was submitted?

22 A. Not that I recall. Sometimes staff  
23 gives us informational heads-up when things come  
24 in, especially when they're that publicly

1 discussed, like that site, but I don't recall  
2 specifics.

3 Q. What was City Council's reaction to  
4 receiving the application?

5 A. It was simply informative that an  
6 application had been received. I don't think  
7 there was a public reaction either way.

8 Q. Not public reaction, just reaction.

9 A. It was information gathering. There was  
10 no reaction.

11 Q. What was your reaction to receiving the  
12 application?

13 A. Information gathering to try to  
14 understand what the proposal was and wasn't.

15 Q. Were you surprised that an application  
16 came in?

17 A. No. We get applications in all the time  
18 on different sites.

19 Q. What does information gathering mean?

20 A. Reviewing materials that are given to us  
21 about a given project.

22 Q. So that's what you did once you got the  
23 application in. But what was your reaction to  
24 receiving the application?

1           A. I believe I just answered that. It was  
2 just an FYI, for my knowledge, reviewing  
3 materials as --

4           Q. So you were indifferent to receiving the  
5 application?

6           A. Yes.

7           Q. Okay. What materials did you review  
8 when the application came in?

9           A. I don't remember specifics, but I  
10 imagine it was probably the project application  
11 materials that were submitted, but I don't  
12 recall exactly when or how. I'm just assuming  
13 that that's what we received.

14           MR. SCHUMACHER: Don't assume.

15           Q. Is that all that you reviewed?

16           A. That's all that I remember.

17           Q. Did you review the 2014 comprehensive  
18 plan?

19           A. Eventually. Probably not right away  
20 with the application.

21           Q. You didn't review anything else upon  
22 receiving the application?

23           A. Not that I remember.

24           Q. Who did you talk to when you heard that

1      Lifestyles submitted its application?

2            A. I told you I don't remember being  
3      informed, but I'm assuming it was Mr. Brown, on  
4      staff.

5            Q. That told you of the application; is  
6      that what you mean?

7            A. If anyone did, it would have likely been  
8      Mr. Brown, yeah.

9            Q. But who did you talk to after you  
10   learned that the application had been submitted?

11           A. I don't remember talking specifically to  
12   anyone.

13           Q. During the time that Lifestyle's zoning  
14   application was before the MPC and ARB, did you  
15   talk with any member of the planning commission?

16           A. No.

17           Q. Did you talk with any of the ARB?

18           A. No.

19           Q. Did anyone ask you to convey something  
20   to the MPC about Lifestyle's application?

21           A. I think at one point Mr. Myers, who was  
22   our liaison as a councilmember, nonvoting  
23   member, asked us as a body if we had any  
24   questions or things that we wanted conveyed in a

1 meeting. I don't remember specifics beyond  
2 that, but he wanted to carry forth any questions  
3 or comments as the liaison for us on that body.

4 Q. So did you submit any questions,  
5 comments, concerns?

6 A. I can't remember.

7 Q. Would you have kept any notes about  
8 those questions, comments, or concerns?

9 A. I take general notes at almost all of  
10 our meetings, but I don't remember specifics.

11 Q. And what do you do with those notes?

12 A. Review them later sometimes, as  
13 necessary, to try to remember a conversation,  
14 just like our meeting minutes.

15 Q. Have you produced those notes to your  
16 council?

17 A. I produced everything that was asked of  
18 me for public records.

19 Q. How about with discovery requests in  
20 this case?

21 A. I produced everything our counsel  
22 advised us to produce.

23 Q. Does that include your notes?

24 A. I don't recall.

1 Q. Do you still have your notes?

2 A. From that time, I don't know. I'd have  
3 to check.

4 Q. Did you talk with any members of City  
5 Council while Lifestyle's application was with  
6 the MPC and ARB?

7 A. As I said, I talked to my colleagues  
8 about a number of topics, so potentially.

9 Q. How about anything about the UMCH  
10 property?

11 MR. SCHUMACHER: Objection. We're  
12 talking about from October of 2020 until the  
13 application was reviewed by City Council on  
14 December --

15 Q. No. While it was under MPC and ARB's  
16 review. Just through November 2021.

17 A. I listened to any meetings where it was  
18 discussed, just for my own learning and  
19 absorption of the community dialogue. That's  
20 all I can remember.

21 Q. I'm not asking you about what you  
22 reviewed. I'm asking did you talk with anyone  
23 about the application during that time frame?

24 A. It may have come up in passing, but it

1 wasn't specific. The process was playing out,  
2 and we were waiting on the process to play out  
3 as it does with all project applications.

4 Q. But you had conversations?

5 A. Potentially.

6 MR. SCHUMACHER: About UM -- it's the  
7 most discussed topic in the city.

8 MS. TAFT: Paul, stop your speaking  
9 objections.

10 A. I can't recall every specific  
11 conversation I had about the site. As Paul  
12 said, it's talked about quite a bit.

13 Q. You said you attended the MPC/ARB  
14 hearings virtually; is that right?

15 A. At least the last one. I can't recall  
16 if I attended any previous ones.

17 Q. Did you watch those hearings or read the  
18 transcript in preparation for today?

19 A. I know I did for our council meetings  
20 where they were discussed. I don't recall if I  
21 reviewed ARB/MPC notes or not.

22 Q. Did you meet with any representatives  
23 from WARD while the applications were pending?

24 A. I don't recall specifics during that

1 time frame of meeting with them. I meet with  
2 groups as they request it.

3 Q. So you can't say either way whether you  
4 met with WARD during that time frame?

5 A. In that specific chunk of time, I can't  
6 recall.

7 Q. Did you meet with representatives from  
8 Project Community Park Worthington during that  
9 time frame?

10 A. That specific time frame, I can't  
11 recall.

12 Q. You can't recall either way?

13 A. I know I met with representatives, as I  
14 said, but I can't remember exactly when those  
15 occurred.

16 Q. Did you meet with any Lifestyle  
17 representatives while the application was  
18 pending?

19 A. Not that I can recall.

20 Q. Did you direct city staff to meet with  
21 Lifestyle while the application was pending?

22 A. We don't direct staff to engage  
23 applicants in specific ways. They handle many  
24 of those conversations themselves as they see

1 fit.

2 Q. You did say that they asked for you to  
3 bring questions, comments, concerns, though,  
4 right?

5 A. I said Councilmember Myers, Pro-Tem at  
6 the time, asked for feedback as our voice on  
7 that body, and I remember we had a discussion,  
8 but I don't even remember what specifically was  
9 submitted.

10 Q. And Mr. Myers you're saying was the  
11 voice because he was the liaison between the  
12 ARB, MPC and City Council; is that right?

13 A. Yes, the nonvoting liaison between  
14 council to that body.

15 Q. What is the last meeting that you can  
16 recall that you attended with Project Community  
17 Park Worthington?

18 MR. SCHUMACHER: Objection. Asked and  
19 answered.

20 A. I don't recall.

21 Q. You don't recall any of the meetings you  
22 attended?

23 A. I don't recall the date.

24 Q. Can you give me a general time frame?

1                   MR. SCHUMACHER: Objection. Counsel,  
2        you've asked and answered -- you've asked this  
3        question three times now and he's answered it.  
4        Would you like him to answer it again?

5                   Q. Was it in 2020?

6                   A. I don't recall.

7                   Q. 2021?

8                   A. I don't recall.

9                   Q. 2022?

10                  A. I don't recall.

11                  MR. SCHUMACHER: Okay. We're getting to  
12        the point of harassing the witness now. Do you  
13        have a question on another topic?

14                    --0--

15                  (Deposition Exhibit 43 marked.)

16                    --0--

17        BY MS. TAFT:

18                  Q. I'm going to mark -- the next exhibit  
19        will be 43. Let me know when you're ready for  
20        questions.

21                  A. Okay. Okay, I'm ready for questions.

22                  Q. Is Exhibit 43 the December 13, 2021,  
23        City Council meeting minutes?

24                  A. Yes.

1 Q. Were you at this meeting?

2 A. Yes.

3 Q. Did you meet with any members of City  
4 Council prior to this meeting?

5 A. Not that I recall specifically about  
6 this meeting.

7 Q. Did you have any discussions about  
8 Lifestyle's application or the property prior to  
9 this meeting?

10 A. Not that I can recall. We get memos and  
11 feedback from our city staff that summarizes  
12 what's happened to date, so I may have discussed  
13 it with staff, but I can't recall specifics.

14 Q. When you say staff, who do you mean?

15 A. I don't recall. My guess would be it  
16 would have been Mr. Greeson, maybe Mr. Brown if  
17 there were questions, but I don't remember  
18 specifically having those conversations.

19 Q. What did you do to prepare for this  
20 meeting?

21 A. In preparation for this meeting, I would  
22 have likely read the staff memo summarizing the  
23 events that occurred in the process to this  
24 point, read any constituent emails I may have

1 gotten on this, and anything else in our packet  
2 that might have been related to this to prepare.

3 Q. Did you consult with anyone?

4 A. Not that I recall.

5 Q. So you said would have likely, but did  
6 you review all of those documents?

7 A. Yes.

8 Q. In preparation for this meeting?

9 A. Yes.

10 Q. Any other documents?

11 A. As I stated, constituent emails,  
12 anything that would have occurred during the  
13 meeting, but whatever's provided in our packet  
14 is what I tend to review.

15 Q. What you tend to review or what you did  
16 review?

17 A. What I did review.

18 Q. Do you recall any other documents  
19 besides those you've just listed that you  
20 reviewed?

21 MR. SCHUMACHER: Objection. Asked and  
22 answered.

23 A. I believe I've already answered that.

24 Q. So you're saying there were no other

1 documents you reviewed?

2 MR. SCHUMACHER: Objection. Asked and  
3 answered. He's answered the question.

4 MS. TAFT: He hasn't. I said of all the  
5 other ones that you've listed, are there any  
6 other documents, other than what you've listed,  
7 that you reviewed? That's explicitly what you  
8 have not answered.

9 A. Not that I can recall.

10 Q. How did you vote on Lifestyle's  
11 application at this meeting?

12 MR. SCHUMACHER: Objection. It's a  
13 public record, counselor.

14 A. You can find the votes in this meeting  
15 minutes.

16 Q. Are you not answering how you voted on  
17 the application?

18 MR. SCHUMACHER: No, he's going to  
19 answer.

20 A. I voted against the application, like  
21 all my other colleagues.

22 Q. Why did you vote against the  
23 application?

24 MR. SCHUMACHER: Objection. Relevance.

1           A. In summation of all the feedback we got,  
2        as I previously laid out, I voted in the way  
3        that I thought my constituents wanted me to.

4           Q. Did you state all your reasons for  
5        denial on the record?

6           A. I'd have to re-review that section.

7               It appears my reasons are in the  
8        minutes.

9               Q. Those are all of the reasons for why you  
10       voted to deny?

11               MR. SCHUMACHER: Objection.

12               You can answer.

13           A. Yes.

14           Q. I believe shortly after your statement  
15       in the minutes at the bottom of that page --

16               MR. SCHUMACHER: What page are we on?

17               MS. TAFT: Sixth from the end.

18               MR. SCHUMACHER: These are paginated,  
19       aren't they?

20           A. Which section?

21               MR. SCHUMACHER: Why don't you just give  
22       him the highlighted ones.

23               Q. There's a statement that says,  
24       Mr. Robinson asked for clarification that if the

1 proposal is denied tonight, LC would be free to  
2 resubmit a proposal at the six-month mark from  
3 the MPC in mid April.

4 Do you see that sentence?

5 A. I believe so.

6 Q. Was the city prohibiting Lifestyles from  
7 reapplying to rezone its property for six  
8 months?

9 MR. SCHUMACHER: Objection. Calls for a  
10 legal conclusion.

11 MS. TAFT: I'm asking what the city did.

12 MR. SCHUMACHER: Well, if you'll refer  
13 to --

14 MS. TAFT: Paul, please stop your  
15 speaking objections.

16 MR. SCHUMACHER: -- the ordinances of --

17 MS. TAFT: Paul, please, stop your  
18 speaking objections.

19 MR. SCHUMACHER: 1145.05,  
20 reconsideration of the formal zoning, it's right  
21 there in the code.

22 MR. INGRAM: Counselor, are you  
23 testifying?

24 MR. SCHUMACHER: No, but you're asking

1 him for a legal opinion.

2 MS. TAFT: I am not.

3 MR. SCHUMACHER: It's in the code.

4 MS. TAFT: I'm asking what the city did.

5 MR. SCHUMACHER: The city acts through  
6 council. He's one of seven councilmembers.

7 MR. INGRAM: Counsel, Ms. Taft has  
8 been --

9 MR. SCHUMACHER: who's taking the  
10 deposition?

11 MR. INGRAM: She has been as patient as  
12 one could ask. These objections --

13 MR. SCHUMACHER: Well, speaking over the  
14 witness --

15 MR. INGRAM: -- and this testimony is  
16 entirely improper. Can you let Ms. Taft proceed  
17 with the deposition?

18 MR. SCHUMACHER: Perhaps we should call  
19 the Judge, then. Is that what you'd like to do,  
20 counselor?

21 MR. SILK: After he answers this  
22 question, let's take a break.

23 MR. SCHUMACHER: What was the question?

24

1 BY MS. TAFT:

2 Q. Did the city prohibit Lifestyles from  
3 reapplying -- from applying to rezone its  
4 property for six months --

5 MR. SCHUMACHER: Objection.

6 Q. -- at the conclusion of this meeting?

7 MR. SCHUMACHER: Objection. Calls for a  
8 legal conclusion.

9 You can answer.

10 A. It's spelled out in our code what's  
11 allowable and not allowable. We followed our  
12 code.

13 Q. And that was prohibiting Lifestyle from  
14 reapplying for six months; is that right?

15 MR. SCHUMACHER: Objection.

16 Argumentative.

17 A. If rezoning is involved, that's what I  
18 believe our code reads.

19 MS. TAFT: We can take a break.

20 (Recess.)

21 BY MS. TAFT:

22 Q. We're going to turn to the January 2022  
23 meetings now. If you can open what's previously  
24 been marked Exhibit 6 in that binder. I'll give

1 you a chance to read it.

2 A. okay.

3 Q. Do you recognize Exhibit 6?

4 A. Yes.

5 Q. What is it?

6 A. Ordinance No. 04-2022.

7 Q. Does this ordinance only apply to the  
8 UMCH property?

9 MR. SCHUMACHER: Objection. Relevance.

10 A. That's what it outlines.

11 Q. Do you know why Ordinance 04-2022 was  
12 introduced at the January 2022 meeting?

13 A. My recollection is it was introduced by  
14 a member of council to potentially put in place  
15 a moratorium on any new applications at the site  
16 for one calendar year.

17 Q. Why did City Council want to impose a  
18 moratorium on the property?

19 MR. SCHUMACHER: Objection. He didn't  
20 say that. He said a member of council. Don't  
21 imply something.

22 A. You'd have to ask other colleagues or  
23 look at the minutes as to what was said, but it  
24 was intended to give us time as a city to have

1 community dialogue around the site.

2 Q. Did you vote for this ordinance?

3 A. Yes.

4 Q. Why did you vote for the ordinance?

5 MR. SCHUMACHER: Objection. Relevance.

6 You can answer.

7 A. As I just stated, it would have given us  
8 a concrete set of time to have the ability to  
9 have that conversation with the property owner,  
10 with the community about what that site should  
11 be in the future.

12 Q. Can you turn to Exhibit 10. Is Exhibit  
13 10 the agenda from the January 18, 2022,  
14 meeting?

15 MR. SCHUMACHER: Objection.

16 A. It appears so, yes.

17 Q. Was Ordinance 04-2022 on the agenda?

18 A. No.

19 Q. Why not?

20 MR. SCHUMACHER: Objection.

21 A. Through our reports of councilmembers  
22 any item really can be brought up and discussed  
23 for consideration.

24 Q. Did City Council inform Lifestyle that

1 it was going to discuss an ordinance that  
2 related only to its property prior to the  
3 January 2022 meeting?

4 MR. SCHUMACHER: I'm sorry. Your  
5 question was City Council?

6 MS. TAFT: Yes.

7 A. I'm not sure.

8 Q. Did you?

9 A. No.

10 Q. Did the public have notice that  
11 Ordinance 04-2022 would be discussed at the  
12 January 2022 meeting?

13 A. It's a public meeting, anybody can  
14 attend or watch online.

15 Q. But if a member of the public was  
16 interested in that ordinance, did they know it  
17 was going to be discussed at this meeting  
18 prior -- did they -- strike that.

19 Would a member of the public, who was  
20 interested in the ordinance, know to show up to  
21 that meeting?

22 A. Our meetings are open to anyone and  
23 everyone. They can stream from home. They can  
24 attend in person.

1           Q. Would they know that Ordinance 04-2022  
2    was going to be discussed at this meeting?

3           MR. SCHUMACHER: Who would know?

4           MS. TAFT: The public.

5           MR. SCHUMACHER: Objection. Asked and  
6    answered.

7           A. I believe I answered it, but I believe  
8    it fell during the reports of council section,  
9    where anything can really be brought up at the  
10   wishes of a councilmember.

11          Q. Would they have advance notice?

12          A. As we already discussed, it wasn't on  
13    the formal agenda.

14          Q. So a member of the public, his name's  
15    Tom Burns. Do you know Tom Burns?

16          A. Yes.

17          Q. Do you remember him speaking at this  
18    meeting?

19          A. Yes.

20          Q. How did he have notice of the ordinance?

21          A. You would have to ask Tom Burns.

22          Q. When did you receive a copy of the draft  
23    ordinance?

24          A. I believe it went out to all

1 councilmembers the evening of the meeting.

2 Q. That email was the first time you  
3 received the draft ordinance?

4 A. I believe I discussed it with Council  
5 President Robinson Saturday before the meeting.

6 Q. What was discussed?

7 A. His intentions to bring forward this  
8 item.

9 Q. What did you say?

10 A. I listened and received the information.

11 Q. And you said nothing?

12 A. Not that I recall.

13 Q. You don't recall saying, or you don't  
14 recall whether you said nothing?

15 A. I don't recall specifics of the  
16 conversation other than him informing me of his  
17 intention to bring forward action during the  
18 reports section.

19 Q. Did he tell you not to talk about the  
20 ordinance with anyone?

21 A. No.

22 Q. Who else was there when you had this  
23 discussion with Mr. Robinson?

24 A. It would have been a phone call, I

1 believe, so two of us.

2 Q. Who did you talk to about the ordinance  
3 prior to the meeting after you had this  
4 conversation with Mr. Robinson?

5 A. I don't remember having explicit  
6 conversations with anyone about this before the  
7 meeting other than Mr. Robinson.

8 Q. Did you help draft the ordinance?

9 A. He was the main author.

10 Q. He was the main author, but did you  
11 participate in the drafting?

12 A. Not that I remember.

13 Q. You don't remember?

14 A. That's what I just said.

15 Q. You don't remember either way, whether  
16 you did help with the drafting or you did not  
17 help with the drafting?

18 MR. SCHUMACHER: Objection. Asked and  
19 answered.

20 A. I don't recall what the support of  
21 drafting the resolutions.

22 Q. Did Mr. Robinson discuss why the  
23 ordinance would be proposed as an emergency in  
24 that discussion that you had on the Saturday

1 prior to the meeting?

2 A. Not that I recall as to why. He said  
3 that that would be his intention to include that  
4 provision, but not the logic behind it.

5 Q. What were your thoughts on the ordinance  
6 being proposed as an emergency?

7 MR. SCHUMACHER: Objection.

8 A. It was new information. I didn't have  
9 any thoughts yet.

10 Q. Once you reviewed it, what were your  
11 thoughts on the emergency status?

12 MR. SCHUMACHER: Objection. Relevance.

13 A. I had no issues with it.

14 Q. How do you know Issue 38 applied to this  
15 ordinance?

16 A. The same way it applies to every other  
17 potential proposal.

18 Q. So you're saying it requires 60-day  
19 notice to the public?

20 MR. SCHUMACHER: Objection, to the  
21 extent that calls for his legal conclusion.

22 A. You'd have to re-ask the question if  
23 you're going to continue.

24 Q. So you're saying that Issue 38 applied

1 to Ordinance 04-2022 as it does any other  
2 ordinance; is that correct?

3 MR. SCHUMACHER: Same objection.

4 A. You'll have to be more specific.

5 Q. How does Issue 38 apply to the  
6 ordinance?

7 MR. SCHUMACHER: Objection, to the  
8 extent that calls for a legal conclusion.

9 A. I don't feel I can give that legal  
10 opinion on this.

11 Q. What is your view on how Issue 38  
12 applies to the ordinance?

13 MR. SCHUMACHER: Objection.

14 A. I don't have a view on how that applies  
15 to the ordinance.

16 Q. Did Ordinance 04-2022 pass?

17 A. I don't have the minutes in front of me,  
18 but I believe the answer is no.

19 Q. Can you turn to Exhibit 7, please.

20 A. Okay.

21 Q. Do you recognize Exhibit 7?

22 A. Yes.

23 Q. What is it?

24 A. Resolution No. 04-2022.

1       Q. You introduced Resolution 04-2022 to  
2       council, correct?

3       A. Correct.

4       Q. And that was also at the January 18,  
5       2022 City Council meeting; is that right?

6       A. Yes.

7       Q. Does Resolution 04-2022 only apply to  
8       Lifestyle's property?

9       A. It's an amendment to that section of the  
10      comprehensive plan.

11      Q. What other property is affected by that?

12      A. As I just said, it's an amendment to  
13      that specific portion of our comprehensive plan  
14      for that site.

15      Q. Was Resolution 04-2022 on the meeting  
16      agenda for January 18, 2022? That was 10, if  
17      you need to refresh.

18      A. No.

19      Q. When did you decide you were going to  
20      introduce this resolution?

21      A. When we were in the meeting and it's  
22      discussed it's a motion to introduce and so I  
23      said I would do that motion in the meeting.

24      Q. Did you help draft the resolution?

1 A. Not that I recall.

2 Q. Did you discuss this resolution with  
3 anyone prior to the meeting?

4 A. As I previously stated with the other  
5 ordinance, I believe we talked about it, myself  
6 and President Robinson, maybe the Saturday  
7 before, a few days before our meeting.

8 Q. So you discussed the resolution and the  
9 ordinance together?

10 A. As I said with the ordinance, he  
11 informed me of his intentions to draft these and  
12 bring them forward.

13 Q. Do you remember what you said about the  
14 resolution in that meeting?

15 A. No, I don't.

16 Q. Did you speak about the resolution with  
17 anyone else prior to the City Council meeting?

18 A. Not that I remember.

19 Q. Did Lifestyle have notice that the  
20 resolution was going to be discussed at the  
21 January 18, 2022, meeting?

22 A. I don't know.

23 Q. Did you provide Lifestyle notice?

24 A. No.

1           Q. Do you know if any member of council  
2        did?

3           A. You'd have to ask them. I'm not aware.

4           Q. Do you know who was involved in drafting  
5        the resolution?

6           A. Outside of Mr. Robinson, no, I don't.

7           Q. Did you vote for Resolution 04-2022?

8           A. Yes.

9           Q. Why?

10           MR. SCHUMACHER: Objection. Relevance.

11           You can answer.

12           A. I felt that after some of the community  
13        discussion that had gone on over the years, this  
14        amendment to the comp plan for this section was  
15        necessary, given the change in the city's  
16        landscape for that site at the time.

17           Q. Did Resolution 04-2022 pass?

18           A. Yes.

19           Q. Was there any public input in the  
20        drafting of Resolution 04-2022?

21           A. All of our meetings are public.

22           Q. Was there any public input on this  
23        resolution?

24           A. You'd have to refer to the meeting

1 minutes.

2 Q. Was this resolution amended at all  
3 during that meeting?

4 A. I don't recall. You'd have to refer to  
5 the meeting minutes.

6 Q. If you could turn to Exhibit 9. Feel  
7 free to review, and let me know if you see any  
8 amendment to the resolution made.

9 MR. SCHUMACHER: You want him to review  
10 all 39 pages?

11 Q. I can point you to where it was  
12 discussed, but that's up to you.

13 A. If you have it handy, please.

14 Q. Yeah. It's page 23. 22 is where it  
15 starts.

16 A. Can you repeat your question?

17 MS. TAFT: Could you repeat my question.  
18 Thank you.

19 (Record read as requested.)

20 A. I don't see motions to amend the  
21 resolution.

22 Q. So the version that you introduced was  
23 the one that ultimately was passed by City  
24 Council; is that correct?

1 A. From what I can see in the minutes, yes.

2 Q. And was there any public input on the  
3 draft that you introduced?

4 MR. SCHUMACHER: I think she's referring  
5 to Exhibit 7 now. Is that right?

6 MS. TAFT: Of the resolution.

7 A. Yeah, I'm referring to the notes.

8 MR. SCHUMACHER: Okay. She's asking you  
9 now about the resolution. Is that correct?

10 MS. TAFT: Yes. That was at the meeting  
11 where he's reviewed the minutes.

12 A. Looks like it was largely council  
13 commentary.

14 Q. The public comments that were made at  
15 that meeting were negative about what was going  
16 on; is that correct?

17 A. Looks like there's only one public  
18 comment that I can see.

19 Q. And was it Mr. Tom Burns again?

20 A. I believe so.

21 Q. Was Resolution 04-2022 meant to be  
22 temporary?

23 A. It's an amendment to the comprehensive  
24 plan section, so it could be amended again at

1 any future meeting.

2 Q. Is the city working on a new  
3 comprehensive plan?

4 A. We've discussed it and some sub-elements  
5 to it, such as a housing study, but I believe  
6 we're working on the litigation to play through  
7 before we address this site in the section of  
8 the comp plan.

9 Q. So has there been any new amendment  
10 since this Resolution 04-2022 that was passed as  
11 to the UMCH property comprehensive plan?

12 MR. SCHUMACHER: You did sue us six  
13 weeks later.

14 A. Not that I'm aware of, no.

15 Q. So what sort of development does  
16 resolution 04-2022 provide a guideline of?

17 A. You can see on page 2, Exhibit 7, it  
18 lays out general components.

19 Q. What are those general components?

20 A. Would you like me to read them?

21 Q. Sure.

22 A. General components compatible with  
23 current S-1 zoning, a large contiguous green  
24 space central to the property and inclusive of

1 the Tucker Creek acreage is a highly desirable  
2 component of any outcome. Commercial  
3 development aimed at revenue generation for the  
4 city and select service-oriented retail that is  
5 compatible with the development is highly  
6 desirable along High Street, roughly in  
7 conformity with the existing C-2 and C-3 zoned  
8 areas. Residential housing, though requiring  
9 rezoning, is desirable if it is creatively  
10 executed and whether embedded within the  
11 commercial areas of freestanding --

12 MR. SCHUMACHER: Or.

13 A. -- or freestanding is harmonious in  
14 overall mass and scale form and impact around  
15 surrounding communities -- upon surrounding  
16 communities.

17 MR. SCHUMACHER: It says neighborhoods.

18 A. Oh, neighborhoods. Excuse me.

19 Q. Looking at the first component, what  
20 does large contiguous green space mean?

21 MR. SCHUMACHER: Objection.

22 A. I think it's pretty well spelled out  
23 what large contiguous green space means.

24 Q. What does it mean?

1 A. Large contiguous green space.

2 MR. SCHUMACHER: I'm sorry.

3 Q. So you're saying the definition is the  
4 term itself?

5 A. Yes.

6 Q. How many acres does that mean?

7 A. It's not spelled out.

8 Q. How many acres does large contiguous  
9 green space mean?

10 A. We don't have a definition for it. You  
11 can see it right here.

12 Q. What does central to the property mean?

13 A. The physical location where it would be  
14 most desirable on a future project.

15 Q. Which is where?

16 A. The center.

17 Q. The very center of the property?

18 A. Generally speaking.

19 Q. Desirable to who?

20 A. The community.

21 Q. The community that was involved in  
22 drafting the resolution?

23 A. The community who us as individual  
24 councilmembers represent.

1           Q. Have you heard from constituents what is  
2           desirable to them?

3           A. I hear from a number of constituents  
4           about a number of components about what could  
5           happen at this site.

6           Q. And did that input get put into this  
7           resolution?

8           A. That input over the years where this  
9           property's been discussed went into my decision  
10           to vote in favor of this amendment.

11           Q. Turn to the residential housing  
12           component. What does creatively executed mean?

13           A. I suppose it means a project that is  
14           creative and fits in with the surrounding  
15           community.

16           Q. What sort of guidelines has the city  
17           provided on what that means?

18           A. Very few. It's in the resolution.

19           Q. What types of housing does the  
20           comprehensive plan allow for?

21           A. Housing, if rezoning was acquired, that  
22           is harmonious in overall mass, scale, and impact  
23           upon surrounding neighborhoods.

24           Q. Do you know what that means?

1           A. It means housing similar to surrounding  
2        neighborhoods.

3           Q. What does harmonious mean?

4           A. Lack of impact on existing residents.

5           Q. Where's that defined in this resolution?

6           A. The word harmonious.

7           Q. That you're giving a definition to; is  
8        that correct?

9                MR. SCHUMACHER: Objection.

10          A. The definition is harmonious, so it's up  
11        to the interpretation of the city as well as  
12        potential applicant to figure out what that  
13        means for the site.

14          Q. What density does that mean for the  
15        site?

16          MR. SCHUMACHER: Objection. Asked and  
17        answered.

18          A. I've already answered that.

19          Q. I haven't heard what density that means.

20          MR. SCHUMACHER: Tell her again.

21          A. Similar to surrounding neighborhoods.

22          Q. Which is what density?

23          A. Mostly single family homes.

24          Q. What about along High Street, what

1 density is allowed there?

2 MR. SCHUMACHER: Are you asking his --

3 MS. TAFT: Based on the resolution.

4 MR. SCHUMACHER: Are you asking his  
5 opinion of density for the commercial  
6 development now?

7 MS. TAFT: I asked my question.

8 A. Can you repeat your question?

9 MS. TAFT: Can you repeat my question?

10 (Record read as requested.)

11 A. Well, the resolution states commercial  
12 development aimed at revenue generation for the  
13 city and select service-oriented retail that is  
14 compatible with development is highly desirable  
15 along High Street. Roughly in conformity with  
16 existing C-2 and C-3 zoned areas.

17 Q. What can Lifestyle do with its property  
18 at this time?

19 MR. SCHUMACHER: Objection. Calls for  
20 speculation.

21 A. That's speculative, but the period has  
22 passed where they wouldn't be allowed to reapply  
23 for rezoning, so I suppose they could come  
24 forward with an application any time they wish.

1 Q. For what?

2 A. A new project proposal.

3 Q. In compliance with this resolution?

4 A. This would be the guidelines, yes.

5 Q. So they have to obtain city approval for  
6 anything they do on the property; is that  
7 correct?

8 A. If they're applying to be rezoned.

9 Q. What if they aren't applying to be  
10 rezoned?

11 A. Then they would be compared to what the  
12 current zoning specifications are for any  
13 potential projects in the zones as they  
14 currently exist.

15 Q. But they have to submit an application  
16 to do so, correct?

17 MR. SCHUMACHER: Are you asking him  
18 whether -- about rezoning?

19 Q. No. I'm asking if they submit an  
20 application that does not require rezoning, they  
21 still have to apply to develop the property; is  
22 that correct?

23 A. As far as I understand.

24 Q. Did City Council discuss ordinance

1 04-2022 again after the January 18 meeting?

2 MR. SCHUMACHER: The ordinance, or the  
3 resolution?

4 MS. TAFT: The ordinance.

5 MR. SCHUMACHER: Why don't we just call  
6 it the moratorium.

7 MS. TAFT: The moratorium. It's both of  
8 them; so...

9 A. Can you repeat your question?

10 Q. Was a moratorium for the property  
11 discussed after the January 2022 meeting?

12 MR. SCHUMACHER: Objection. Relevance.

13 A. Not that I recall.

14 Q. Can you go to Exhibit 8, please. Are  
15 these the minutes for the February 7, 2022, City  
16 Council meeting?

17 A. Yes, they are.

18 Q. Was the moratorium discussed at this  
19 meeting?

20 A. I need to read this document before I  
21 can answer that.

22 It appears so.

23 Q. What was said about the moratorium?

24 MR. SCHUMACHER: Objection.

1           A. You can find the summary in the minutes  
2           yourself.

3           Q. What did you say about a moratorium at  
4           that meeting?

5           A. I'll need more time to review my  
6           remarks.

7           The only section I can find my comments  
8           are briefly echoing the need for community  
9           engagement if this were to move forward.

10          Q. Did you express all of your thoughts on  
11          the moratorium on the record?

12          A. It's the only ones I'm seeing. If  
13          you've got a section highlighted, I'd welcome  
14          the page number.

15          Q. That's all I had. Did you have any  
16          other thoughts beyond that statement you made on  
17          the record?

18          A. Not that I recall.

19          Q. On page 11, at the very middle of the  
20          page, there's a paragraph that starts, President  
21          Robinson stated that for reasons not necessarily  
22          agreeing... Do you see that paragraph?

23          A. Yes.

24          Q. The last sentence in that paragraph,

1 what did Mr. Robinson mean when he said that  
2 statement?

3 MR. SCHUMACHER: Objection.

4 A. You'd have to ask President Robinson.

5 Q. Did you agree with that statement?

6 A. The motion didn't pass, so I would agree  
7 that there wasn't interest in pursuing it at  
8 this time.

9 Q. Do you agree that the motivation behind  
10 the moratorium discussion has been met through  
11 other means?

12 A. You'd have to ask him what he means by  
13 that.

14 Q. What do you think he meant by that?

15 A. I can't speak to that.

16 Q. What do you think he meant by that? You  
17 can speak to what you thought about his  
18 statements.

19 A. I don't have any thoughts about that.

20 Q. You have no thoughts on that?

21 A. His intent behind that phrasing, no, I  
22 don't.

23 Q. Did you think the motivation behind the  
24 moratorium had been met by other means?

1 A. I don't have a stance on that.

2 Q. The ordinance was dropped from  
3 consideration at this meeting; is that right?

4 A. That's what it appears.

5 Q. So your one statement here reads,  
6 Mr. Bucher echoed support for figuring out where  
7 we go from here with stakeholder engagement. It  
8 is absolutely critical.

9 what stakeholder engagement were you  
10 talking about?

11 A. what page is that on?

12 Q. 14. A little above the middle.

13           A. I think my intention was just that we  
14    need to map out how we engage the community, the  
15    property owner, on discussing where this site  
16    goes.

17 Q. who are all the stakeholders you're  
18 referencing?

19 A. I just mentioned two key sections of  
20 that, the property owner and the community.

21 Q. Are those the only stakeholders you're  
22 talking about?

23 A. There's a lot of stakeholders in a  
24 community our size, so I'm sure there's others

1 that would fit in that bucket, but I feel I've  
2 listed out some of the key constituencies.

3 Q. I'm asking for all of them.

4 A. Is that necessary?

5 MR. SCHUMACHER: Objection.

6 MS. TAFT: I asked the question.

7 MR. INGRAM: Answer if you can.

8 A. There are community groups that focus on  
9 the outcomes of this property, there are  
10 business leaders, there are chambers of  
11 commerce, there are entities that care quite a  
12 bit about what might happen at that property. I  
13 would lump them all into that stakeholder group.

14 Q. Are those the only stakeholders?

15 MR. SCHUMACHER: Objection.

16 Argumentative.

17 A. The ones that come to mind.

18 Q. So there could be more; is that what  
19 you're saying?

20 A. There could always be more.

21 Q. So has this stakeholder engagement  
22 occurred?

23 MR. SCHUMACHER: Before or after you  
24 sued us?

1 A. No.

2 MR. SCHUMACHER: I'm sorry. I'll  
3 withdraw that comment.

4 A. Pending the litigation, no, this hasn't  
5 occurred.

6 Q. How about after this meeting, did  
7 anything start?

8 A. Not that I recall.

9 Q. The top of 15, counsel for Lifestyle --  
10 the part of the record says, encouraged the City  
11 Council to talk to his client. Do you see that?

12 A. Yes.

13 Q. Has that happened?

14 MR. SCHUMACHER: Objection.

15 A. I'm unaware.

16 Q. Have you had any conversations with  
17 Lifestyle about the property?

18 MR. SCHUMACHER: Other than  
19 conversations with counsel or our attempts to  
20 mediate the lawsuit? Is that what you're  
21 asking, counselor?

22 MS. TAFT: I'm asking if he has had  
23 any --

24 MR. SCHUMACHER: Yes. He's spoken with

1 his legal counsel in the conduct of settlement  
2 negotiations in this case. Is that what you're  
3 inquiring?

4 MS. TAFT: That's not with Lifestyle.

5 I'm asking what conversations have you had with  
6 Lifestyle about the property.

7 MR. SCHUMACHER: Excuse me.

8 MS. TAFT: Outside of mediation.

9 MR. SCHUMACHER: I need to object to the  
10 extent this invades the attorney-client  
11 communication privilege.

12 You filed your lawsuit, I believe, in  
13 March, early March of '22. So since that time?

14 I would instruct my witness not to  
15 discuss what was discussed with legal counsel,  
16 and before that with the city law director.

17 A. Our attorneys have spoken, but that's  
18 all I'm aware of.

19 Q. So my question is if you have spoken  
20 with Lifestyle?

21 A. No.

22 MS. TAFT: I think that's all the  
23 questions I have for you today. Given some of  
24 the other discovery that's come up during these

1 and the indication that there are additional  
2 documents to be produced, I am leaving your  
3 deposition open as I may have more questions for  
4 you once that's exhausted.

5 THE WITNESS: okay. Thank you.

6 --0--

7 Thereupon, the testimony of October  
8 10, 2023, was concluded at 11:17 a.m.

9 --0--

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1 CERTIFICATE

2 STATE OF OHIO :  
3 COUNTY OF FRANKLIN :

4 I, Rhonda Lawrence, a stenographic  
5 court reporter and notary public in and for the  
6 State of Ohio, duly commissioned and qualified,  
7 do hereby certify that the within-named PETER  
8 BUCHER was first duly sworn to testify to the  
9 truth, the whole truth, and nothing but the  
10 truth in the cause aforesaid; that the testimony  
then given was taken down by me stenographically  
in the presence of said witness, afterwards  
transcribed; that the foregoing is a true and  
correct transcript of the testimony; that this  
deposition was taken at the time and place in  
the foregoing caption specified.

11 I certify that I am not a relative or  
12 employee of any attorney or counsel employed by  
13 the parties hereto and that I am not financially  
interested in the action. I further certify  
review of the transcript was not requested.

14 In witness whereof, I have hereunto  
15 set my hand at Columbus, Ohio, on this 24th day  
of October, 2023.

16

17

18

19

20

21

*Rhonda Lawrence*

22

Rhonda Lawrence  
Notary Public, State of Ohio

23 My commission expires: October 9, 2028

24

<p><b>Exhibits</b></p> <p><b>Exhibit 1</b> 16:13,14</p> <p><b>Exhibit 6</b> 61:24 62:3</p> <p><b>Exhibit 7</b> 69:19,21 74:5 75:17</p> <p><b>Exhibit 8</b> 82:14</p> <p><b>Exhibit 9</b> 73:6</p> <p><b>Exhibit 10</b> 63:12,13</p> <p><b>Exhibit 30</b> 39:20,21</p> <p><b>Exhibit 31</b> 41:12,13</p> <p><b>Exhibit 39</b> 27:10,14, 20,21</p> <p><b>Exhibit 40</b> 30:17,21</p> <p><b>Exhibit 41</b> 32:7,11</p> <p><b>Exhibit 42</b> 43:12</p> <p><b>Exhibit 43</b> 54:15,22</p> <p style="text-align: center;">-</p> <p><b>--O--</b> 27:9,11 30:16,18 32:6,8 43:11,13 54:14, 16</p> <p><b>--O--</b> 89:6,9</p> <p style="text-align: center;">0</p> <p><b>04-2022</b> 62:6,11 63:17 64:11 65:1 69:1,16,24 70:1,7,15 72:7,17,20 74:21 75:10,16 82:1</p> <p style="text-align: center;">1</p> <p><b>1</b> 16:13,14</p> <p><b>10</b> 63:12,13 70:16 89:8</p> <p><b>11</b> 83:19</p> <p><b>1145.05</b> 59:19</p> <p><b>11:17</b> 89:8</p> <p><b>13</b> 54:22</p> <p><b>14</b> 85:12</p> <p><b>15</b> 87:9</p>	<p><b>18</b> 30:9 37:21 63:13 70:4,16 71:21 82:1</p> <p><b>18th</b> 37:23</p> <p style="text-align: center;">2</p> <p><b>2</b> 29:14 41:3 75:17</p> <p><b>2014</b> 16:15,19,20 17:2, 5,6,13 30:6 32:19 33:17,24 35:17,23 37:10 47:17</p> <p><b>2017</b> 15:6</p> <p><b>2020</b> 16:23 26:15 37:7, 21 41:22 44:24 50:12 54:5</p> <p><b>2021</b> 7:15 8:1,14 17:24 32:17 38:20 50:16 54:7,22</p> <p><b>2022</b> 7:15 8:2,13 30:9, 15 37:21,23 54:9 61:22 62:12 63:13 64:3,12 70:5,16 71:21 82:11,15</p> <p><b>2023</b> 89:8</p> <p><b>2024</b> 16:18</p> <p><b>21</b> 32:17 38:20</p> <p><b>22</b> 73:14 88:13</p> <p><b>23</b> 73:14</p> <p><b>2nd</b> 16:17</p> <p style="text-align: center;">3</p> <p><b>30</b> 39:20,21</p> <p><b>31</b> 41:12,13</p> <p><b>38</b> 68:14,24 69:5,11</p> <p><b>39</b> 27:10,14,20,21 73:10</p> <p style="text-align: center;">4</p> <p><b>40</b> 30:17,21</p> <p><b>41</b> 32:7,11</p> <p><b>42</b> 43:12,16</p> <p><b>43</b> 54:15,19,22</p>	<p style="text-align: center;">5</p> <p><b>5th</b> 37:7,21</p> <p style="text-align: center;">6</p> <p><b>6</b> 61:24 62:3</p> <p><b>60-day</b> 68:18</p> <p style="text-align: center;">7</p> <p><b>7</b> 69:19,21 74:5 75:17 82:15</p> <p style="text-align: center;">8</p> <p><b>8</b> 82:14</p> <p style="text-align: center;">9</p> <p><b>9</b> 73:6</p> <p style="text-align: center;">A</p> <p><b>a.m.</b> 89:8</p> <p><b>ability</b> 6:15 63:8</p> <p><b>absolutely</b> 85:8</p> <p><b>absorption</b> 50:19</p> <p><b>accurate</b> 6:13 33:5</p> <p><b>acquired</b> 78:21</p> <p><b>acquiring</b> 42:12 44:10,11,19 45:2</p> <p><b>acreage</b> 76:1</p> <p><b>acres</b> 77:6,8</p> <p><b>action</b> 30:9 66:17</p> <p><b>acts</b> 60:5</p> <p><b>addition</b> 19:22</p> <p><b>additional</b> 89:1</p> <p><b>address</b> 75:7</p> <p><b>administrative</b> 11:6</p> <p><b>adopted</b> 16:17</p> <p><b>advance</b> 65:11</p> <p><b>advised</b> 49:22</p> <p><b>advocacy</b> 9:17</p> <p><b>affected</b> 70:11</p> <p><b>agenda</b> 63:13,17 65:13 70:16</p> <p><b>agendas</b> 7:21</p> <p><b>agree</b> 19:11 84:5,6,9</p> <p><b>agreeing</b> 83:22</p> <p><b>ahead</b> 36:12</p> <p><b>aide</b> 10:24</p> <p><b>aimed</b> 76:3 80:12</p> <p><b>Alliance</b> 14:4</p> <p><b>allowable</b> 61:11</p> <p><b>allowed</b> 80:1,22</p> <p><b>amend</b> 33:16 73:20</p> <p><b>amended</b> 73:2 74:24</p> <p><b>amending</b> 30:5 31:24 37:4,10,19</p> <p><b>amendment</b> 35:18 70:9,12 72:14 73:8 74:23 75:9 78:10</p> <p><b>Analytica</b> 40:12,20 41:1</p> <p><b>answering</b> 22:2 57:16</p> <p><b>answers</b> 6:13,16,19 22:1 60:21</p> <p><b>apologize</b> 22:3</p> <p><b>appears</b> 33:3,15 36:13 40:18 42:14 58:7 63:16 82:22 85:4</p> <p><b>applicant</b> 24:24 25:11,14,16,17,19,22, 24 26:10 27:7 36:6,14 79:12</p> <p><b>applicants</b> 52:23</p> <p><b>application</b> 7:16 18:1 19:17,18,20 24:19 25:8 26:8 28:7,13 29:12 45:12,17 46:4,6, 12,15,23,24 47:5,8,10, 20,22 48:1,5,10,14,20 50:5,13,23 52:17,21 55:8 57:11,17,20,23</p>
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